



CAUSE NO. C - 1 - CR - 13-180014



THE STATE OF TEXAS

§

IN THE COUNTY

v.

§

COURT-AT-LAW # 4 ✓

Chet Edward Cunningham

§

TRAVIS COUNTY, TEXAS

DEFERRED PROSECUTION AGREEMENT

The parties to this agreement are the State of Texas, which is represented by the Travis County Attorney or his designated agent, and Chet Edward Cunningham, the Defendant, whose date of birth is 5/10/1966.

The Defendant agrees to waive certain rights and to comply with specified terms and conditions. The Defendant also confesses guilt of the offense(s) charged and stipulates to the admissibility of incriminating evidence. In return, the State of Texas agrees to conditionally dismiss the offense(s) charged.

Defendant's waiver of rights

I understand that I have the following rights:

- I have the right to a speedy trial.
- I have the right to a trial by jury.
- I have the right to confront and cross-examine the witnesses against me.
- I have the right to secure the appearance at trial of witnesses in my favor.

EC I knowingly and voluntarily waive these rights.

I have also been advised of and fully understand that

- I have the right to remain silent and not make any statement at all. Any statement I make may be used against me at my trial.
- Any statement I make may be used against me in court.
- I have the right to have a lawyer present to advise me prior to and during any questioning.
- If I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning.
- I have the right to terminate this interview at any time.



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EC I knowingly and voluntarily waive these rights, as well.

Erinindy Huntford
Attorney for Defendant

[Signature]
Defendant

06795507
State Bar Number

Defendant's Confession to the Charges

The State's information alleges that I committed the offense(s) of Assault - Family Violence on [date] May 11, 2013, in Travis County, Texas. The State's information may be found in the Court Clerk's file, and it is incorporated by reference into this agreement as though fully set out.

I am the person named as the defendant in the State's information. I understand the allegations against me. I hereby voluntarily confess that they are true.

Erinindy Huntford
Attorney for Defendant

x [Signature]
Defendant

00795507
State Bar Number

When the Agreement Begins, and How Long it Lasts

This agreement begins when all of the following have occurred:

- the Defendant has initialed the waivers on pages 1 and 2;
- the Defendant and the Defendant's attorney have signed page 2;
- the Defendant, the Defendant's attorney and the attorney for the State of Texas have signed page 7 of the agreement; and
- the Court has granted the State's conditional dismissal motion.

This agreement lasts for 24 months, starting the day the Court has granted the State's conditional dismissal motion.

Defendant's Agreement to Specific Terms and Conditions.

By initialing the line beside each relevant term or condition, the Defendant shows that he or she understands that compliance with this particular term or condition is required. *If the Defendant has already complied with the condition when the parties enter into this agreement, the parties must attach documents showing that compliance.*

The Defendant must timely provide proof of completion of all terms and conditions, by either U.S. postage-prepaid mail, fax transmission, email, or hand-delivery to:

Street Address

Travis County Attorney's Office
Ned Granger Admin. Bldg.
314 West 11th, 3rd Floor
Austin, TX 78701

Mailing Address

Travis County Attorney's Office
Attn: Deferred Prosecution
(List cause number from page 1)
Post Office Box 1748
Austin, TX 78767-1748

Best way to communicate is by email:

tcaodfpr@traviscountytexas.gov (email)

(512)854-9415 - telephone

(512)854-3377 - fax number

(512)854-4282 - alternative fax number

(List the cause number from page 1)

Keep a copy, for your own records, of any document(s) sent to the Travis County Attorney's Office. Make sure that the agreement's cause number is on all paperwork. (The cause number is on page 1 of this agreement.)

Proof is timely provided if it is mailed, fax transmitted, emailed, or hand-delivered within the specified duration of this agreement.

Mandatory: While this agreement is in effect, the Defendant shall not commit any other offense(s) above that of a Class C moving traffic violation. For purposes of this agreement, an offense is "committed" if the Travis County Attorney believes that probable cause to arrest the Defendant for that offense develops at any time during or after an arrest.

Counseling Requirements

EX Obtain a **Domestic Violence Assessment** through the Travis County Counseling & Education Services (TCCES), and **COMPLETE ALL RECOMMENDED COURSES**. TCCES contact number (512) 854-9540.

___ Obtain a **Non-Intimate Partner Violence Assessment** through the Travis County Counseling & Education Services (TCCES), and **COMPLETE ALL RECOMMENDED COURSES**. TCCES contact number (512) 854-9540.

___ Obtain an **Alcohol/Substance Abuse Assessment** through the Travis County Counseling & Education Services (TCCES), and **COMPLETE ALL RECOMMENDED COURSES**. TCCES contact number (512) 854-9540.

Complete the following course(s):

___ Assault (8hrs Misd. I) TCCES contact number (512) 854-9540
(Only for Non-Intimate Partner violence)

___ Multiple Offender/Felony (20hrs Misd.II) TCCES contact number (512) 854-9540

___ Theft/Shoplifting (8hrs. Misd.I) TCCES contact number (512) 854-9540

___ Austin Stress Clinic Level 1 (8hrs) ASC contact number (512) 326-1717
(Only for Non-Intimate Partner violence)

___ Austin Stress Clinic Level 2 (20hrs) ASC contact number (512) 326-1717
(Only for Non-Intimate Partner violence)

___ Any Baby Can Parenting Class ABC contact number (512) 454-3743

NOTES:

- *A Defendant who resides outside Travis County, Texas must be evaluated in Travis County before doing counseling equivalents in the state or county of residence.*
- *Evaluations MUST be completed within Two (2) months of starting the deferred prosecution agreement.*
- *On-line courses are NOT acceptable.*
- *If the Defendant has already complied with the condition, the parties must attach documents showing that compliance.*

EX Have no contact through any means with Tara Cunningham
and do not go within 200 yards of the following location: her residence or
place of employment of Tara Cunningham unless pursuant to child
custody order or related to the safety and welfare of the children.
____ Provide proof of a valid Texas driver's license and automotive liability insurance
coverage by the term date of this agreement.

____ Provide proof of completing a certified Texas Alcohol & Beverage Commission
Seller/Server, training course. TABC contact number (512) 451-0231.

____ Forfeit the weapon. *The ORIGINAL "Forfeiture of Weapon's Agreement" must be
attached to this agreement.*

____ Provide proof of \$_____ restitution paid to _____.
Payable only through the Travis County Attorney's Hot Check Division. (A restitution
sheet is required.)

____ Provide proof of the Defendant's pleading to the Class C offense of
_____, and paying a \$_____ fine and court costs.

EX BTIP course and 16 sessions with Lee Ann Artis
(provide proof of completion) for parenting classes.

Alcohol Monitoring Requirement

** Any indication of the consumption of alcohol is a violation of this agreement.*

____ Provide proof of installing and maintaining the following alcohol monitoring
device(s) for a period of _____.

____ IID ____ SoberLink ____ SCRAM ____ IN-HOM

* The ORIGINAL "Alcohol Monitoring Device Agreement" must be attached to
this agreement.

If the Defendant complies with all the specified terms and conditions for the duration of this agreement, the Travis County Attorney agrees not to prosecute the Defendant further for the offense(s).

***Consequences of Defendant's Non-Compliance with or Violation of
the Agreement's Terms and Conditions***

If the Defendant fails to comply with or violates any of the specified terms and conditions of this agreement, then the Travis County Attorney is no longer subject to the agreement and may refile the charges and prosecute the case to the full extent of the law.

The Defendant hereby agrees to the following if the Travis County Attorney refiles the charges:

- The Defendant agrees to plead guilty or no contest to the refiled charges, as shown by the Defendant's signing the attached plea form.
- The Defendant agrees and stipulates that this agreement, including the written confession of guilt that it contains, is admissible against him or her in court.
- The Defendant agrees and stipulates that affidavits, written statements of witnesses and other documentary evidence--including but not limited to the police offense report--are admissible against the Defendant at trial.
- The Defendant waives any statute-of-limitations objection to the refiled charges.
- The Travis County Attorney's burden of showing the Defendant's non-compliance with this agreement is by a preponderance of the evidence.
- If the parties agree to continue the deferred prosecution agreement after the County Attorney refiles the charges, then the agreement is extended for the same period as the original agreement, without the need to draft and sign a new document. For example, if the initial agreement was to last six months, then the extended agreement will last yet another six months from the date of the second dismissal.

I, the Defendant, have fully discussed this case and the evidence with my attorney. I am satisfied that he or she has properly represented me. I have received a copy of this **Deferred Prosecution Agreement**. I waive any further time to prepare for trial to which my attorney or I may be entitled.

Mindy Lambert
Attorney for Defendant

00795507
State Bar Number

MM
Assistant County Attorney
Travis County, Texas

[Signature]
Defendant

Date: 4-1-16

24077916
State Bar Number

Defendant's Plea of Guilty or No Contest

I have consulted with my attorney, who has advised me of the consequences of pleading guilty or no contest. I understand these consequences. I plead guilty/no contest to the offense(s) of Assault - family violence.
My plea is given freely and voluntarily.

[Signature]
Defendant's signature

Chet Edward Cunningham
Printed name

4-1-16
Date